

Zhongshan Municipal Bureau of Commerce

Zhongshan Municipal Bureau of Commerce's Advisory on Risk of Outbound Data Transfer

Zhongshan Broad Ocean Motor Co., Ltd.,

It is reported that your company is involved in a lawsuit pending in Missouri, USA ("the lawsuit"), which is connection with a patent infringement of certain electric motors and controls, and is required to produce to the court or the Plaintiff and the litigation related parties the data located on servers within China as evidence ("Evidence Data") as requested by the United States District Court for the Eastern District of Missouri or the Plaintiff in the case, Nidec Motor Corporation. The Evidence Data includes contact information of some of your sales personnels and customers, as well as financial information for certain motors imported into and/or sold in the U.S. from 2007 to the present, including: (a) total U.S. sales and/or licensing revenues; (b) the total unit volume of U.S. customer returns and/or cancellations; (d) the total unit volume of U.S. customer returns and/or cancellations; (d) the total unit volume of U.S. customer returns; (e) the number of units manufactured or produced for sale or use in or importation into the U.S.; (f) the costs of production, manufacturing, delivery and/or distribution of Accused Products for sale or use in, or importation into, the U.S.; (g) the profits of sales; and (h) the research and development costs.

The outbound transfer of personal information important data is closely monitored by the regulatory authorities in Thina. Your organization's outbound data transfer must strictly comply with the provisions of the Personal Information Protection Law of the People's Republic of China, the Data Security Law of the People's Republic of China and the Cybersecurity Law of the People's Republic of China, including but not limited to identifying personal information and important data through data classification and grading, demonstrating the compliance, legitimacy, and necessity of the purpose, scope, and method for the outbound transfer of different types of data, establishing corresponding data security systems, and fulfilling the approval or filing procedures required by regulatory authorities. Important data should be stored locally and declared to the Office of the Central Cyberspace Affairs Commission for a security assessment of outbound data transfer. If produced as evidence to foreign judicial authorities, relevant approval should be obtained from the Ministry of Justice of the People's Republic of China.



In light of this, you should attach great importance to the compliance of the outbound evidence data transfer in this lawsuit. This includes conducting the classification and grading of relevant data properly, and fulfilling the comprehensive data security obligations and the approval and filing procedures for identified personal information and important data. Otherwise, any action involving the outbound transfer of evidence data without complying with the aforementioned procedures constitutes a violation of China's fundamental data security regulations, and will inevitably lead to severe penalties, including but not limited to, in cases of serious violations, ordering suspension of relevant business operations, suspension of business for rectification, revocation of relevant business permits or revocation of business licenses, and imposing fines ranging from FMB 1,000,000 to RMB 1,000,000 on the directly responsible supervisor(s) and other directly responsible individuals.

Please take the above provisions seriously and ensure strict compliance with them.

Seal: Zhongshan Municipal Bureau of Commerce

October 11, 2023



中山市商务局

中山市商务局关于数据跨境传输风险的提示

中山大洋电机股份有限公司:

据悉,你方因在美国密苏里州涉及特定电机和控制装置专利侵权诉讼("本次诉讼"),需要根据美国密苏里东部联邦地区法院(THE UNITED STATES DISTRICT COURT FOR THE BASTERN DISTRICT OF MISSOURI)或案件原告尼得科电机有限公司(NIDEC MOTOR CORPORATION)的要求,向该法院或原告及诉讼相关人提交相关位于中国境内服务器的数据作为证据("证据数据"),证据数据内包含你方部分销售人员及客户联系人信息,及与涉诉产品(特定电机和控制装置)相关的自2007年至今进口到美国/或在美国销售的特定电机的财务信息,包括:(a)美国总销售和/或许可收入;(b)美国销售、许可和/或向客户发货的总单位数量;(c)美国客户退货和/或取消订单的总金额;(d)美国客户退货的总单位数量;(c)美国客户退货和/或取消订单的总金额;(d)美国客户退货的总单位数量;(f)在美国销售或使用或进口到美国的被诉产品的生产、制造、交付和/或分销成本;(g)销售所得利润;(h)研发成本。

个人信息和重要数据出境受到我国监管部门严密关注, 你方组织数据出境需要严格遵守我国《个人信息保护法》《数据安全

法》和《网络安全法》的规定,包括但不限于通过数据分类分级工作识别个人信息和重要数据,论证不同类别数据出境目的、范围、方式的合法、正当、必要性,建立相应的数据安全保障制度,履行监管机构的审批或备案程序。其中重要数据应当进行本地化存储,并申报中央网信办进行数据出境安全评估。若作为证据向境外司法机构提供的,应当获得我国司法部的有关批准。

鉴此,你方应高度重视本次诉讼中的证据数据出境合规工作,做好相关数据分类分级工作,并针对识别出的个人信息和重要数据履行全面的数据安全保障义务和审批备案程序。否则,未履行上述程序而实施证据数据出境的行为违反我国数据安全基本制度,势必面临严厉处罚,包括但不限于在情节严重情况下责令暂停相关业务、停业整顿、吊销相关业务许可证或者吊销营业执照,对直接负责的主管人员和其他直接责任人员处十万元以上一百万元以下罚款。

以上,请你方严肃对待,遵照执行。



Certificate

敬启者:

Dear:

兹证明:本文件由北京百灵翻译有限公司的郭微翻译,中译英,所附的英译文与原文一致,内容完整,无扭曲、篡改、增删原文含义。

This certifies that the attached document was translated by Guo Wei of BL Translation Co., Ltd., from Chinese to English, that the attached English translation is consistent with the original text with complete contents, and without distortion, modification, addition or deletion of the meaning of the original text.

签字(翻译): 养微

Signature (translator); Guo Wei

翻译印章(如有):

Seal of the translator (if any)

日期: 2023.10:23

Date: Oct 23, 2023